

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 00-0290P

**Income Tax
Calendar Year 1997**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)

I. **Tax Administration**— Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer filed form IT-20 for calendar year 1997, under extension, and was assessed a penalty for late payment.

Taxpayer requests that the department waive the late payment penalty.

I. **Tax Administration**— Penalty

DISCUSSION

Taxpayer was assessed a ten percent (10%) penalty because it paid its tax after the due date of the return.

Taxpayer, in a letter dated June 9, 2000 protested penalties assessed and stated it did not have preprinted estimated/extension forms sent them timely and were unclear of the filing requirements. The tax return is the taxpayer's initial Indiana return for which it remitted its full tax on October 15, 1998.

IC 6-8.1-10-2.1(a)(2) clearly assesses a penalty if a person fails to pay the full amount of tax shown on the person's return on or before the due date for the return. (The due date of the return is April 15). The tax was not paid until October. IC 6-8.1-6-1(a) clearly states that at least ninety percent (90%) of

0220000290P.LOF

PAGE #2

the tax that is reasonably expected to be due on the due date must be filed with the petition for a sixty-day (60) extension.

Taxpayer has not provided reasonable cause to allow a waiver of the penalty assessed.

FINDING

Taxpayer's protest is denied.

DW/RAW/JMS/dw 002508